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| 10/653,670 | 09/02/2003 | Laura Reid | 9400-38 | 4580 |

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EXAMINER

NGUYEN, QUYNH H

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2642

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/653,670 | Applicant(s) REID, LAURA | |
| | Examiner Quynh H. Nguyen | Art Unit 2642 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/3/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5-8, 11-12, 20, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Thornton et al. (U.S. Patent 6,665,293).

As to claim 1, Thornton et al. teach a method of routing phone calls (col. 6, lines 63-65) in a communication system (Fig. 1), the method comprising:

selectively routing a phone call to a public switched telephone network (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or to a packet switched network (data network) based on a called number to which the phone call is directed (col. 6, lines 63-67).

As to claim 5, Thornton et al. teach routing the phone call to the PSTN when the called number corresponds to at least one predefined number (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17).

As to claim 6, Thornton et al. teach routing the phone call to the packet switched network when the called number does not correspond to the at least one predefined

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number (col. 10, lines 59-62 - *where Thornton discussed each gateway provides either of two path for routing traffic: PSTN 20 or data network 30, and col. 29, lines 10-30 - where Thornton discussed routing predefined number through PSTN and not through the data network, hence the called number that does not correspond to the predefined number would have to be routed through the only path left is data network or packet switched network*).

As to claim 7, Thornton et al. teach the predefined number is 911 (col. 7, lines 1-8 and col. 11, lines 45-48).

As to claim 8, Thornton et al. teach routing a call to the PSTN when the called number corresponds to an emergency number (col. 29, lines 10-17), and routing a call as a Voice-Over-Internet-Protocol to an Internet network when the called number does not correspond to an emergency number (col. 25, lines 47-66; col. 29, lines 15-46 - *where Thornton discussed for VoIP call transiting through the gateway, IP packets supplied to TCP/IP process for routing to the LAN and to the data network*).

As to claim 11, Thornton et al. teach providing the called number to the PSTN or the packet switched network based on the called number (col. 45, lines 55-65 - *where Thornton discussed providing the called number to the gateway and to the call handler CH 560, then to the PSTN*).

As to claim 12, Thornton et al. teach selectively routing the phone call to an Internet network to a VoIP provider based on the called number (col. 13, lines 62-65 - *where Thornton discussed Digital Signal Processor 225 convert digitized telephony signal from telephone call to data network (IP data) into suitable IP packets and transmit*

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them over the LAN, then over the data network to a VoIP telephony gateway, hence routing the phone call to IP data network to VoIP gateway).

As to claim 20, Thornton et al. teach a computer product for routing calls in a communication system, the computer program product comprising program code embodied in a computer-readable storage medium (col. 11, line 66 through col. 12, line 18 and col. 15, lines 27-38), the computer program code comprising:

program code (col. 15, lines 27-32) that is configured to selectively routing a phone call to a public switched telephone network (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or to a packet switched network (data network) based on a called number to which the phone call is directed (col. 6, lines 63-67).

As to claim 24, the limitation of the claims is the same as the limitation of claim 8; therefore, the claim is interpreted and rejected for the same reasons as set forth in claim 8. Furthermore, Thornton et al. teach the computer program product (col. 11, line 66 through col. 12, line 18 and col. 15, lines 27-38).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2-4 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al. (U.S. Patent 6,665,293) in view of Lin et al. (Pub. No.: US 2004/0240430).

As to claim 2, Thornton et al. teach selectively routing a phone call to a PSTN (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or over a data network (col. 10, lines 59-62) based on the called number. Thornton et al. further teach that IP data network 30 that inter-connects via LAN 15 of Fig. 1, and LAN 15 inter-connects to IP-based devices such as networked computers, printers and other equipments which are not shown in Fig. 1 (col. 9, lines 54-63).

However, Thornton et al. do not explicitly teach routing a phone call to a cable modem device.

Lin et al. teach a cable modem is used to connect to the data network (packet switched network) (page 1, [0012]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that it is necessary to use any of a traditional modem such as: a DSL modem or a cable modem to connect a telephone call to the data network or Internet, the latter is the prefer one in this instant application. This is the only way a user can communicate to the Internet.

As to claim 3, Thornton et al. teach selectively routing a phone call to a PSTN (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or over a data network (col. 10, lines 59-62) based on the called number. Thornton et al. further teach that IP data network 30 that inter-connects via LAN 15 of Fig. 1, and LAN 15 inter-connects to IP-

based devices such as networked computers, printers and other equipments which are not shown in Fig. 1 (col. 9, lines 54-63).

However, Thornton et al. do not explicitly teach routing a phone call to a digital subscriber line (DSL) modem device.

Lin et al. teach the connection to the data network (packet switched network) over a physical medium implemented using a DSL modem (page 1, [0012]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that it is necessary to use any of a traditional modem, a cable modem, or a DSL modem to connect a telephone call to the data network or Internet, the latter is the prefer one in this instant application. This is the only way a user can communicate to the Internet.

As to claim 4, Thornton et al. teach selectively routing a phone call to a PSTN (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or over a data network (col. 10, lines 59-62) based on the called number. Thornton et al. further teach that IP data network 30 that inter-connects via LAN 15 of Fig. 1, and LAN 15 inter-connects to IP-based devices such as networked computers, printers and other equipments which are not shown in Fig. 1 (col. 9, lines 54-63).

However, Thornton et al. do not explicitly teach routing a phone call to a broadband network modem device.

Lin et al. teach the connection to the data network (packet switched network) over a physical medium implemented using broadband network modem such as a cable modem (page 1, [0012]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that it is necessary to use any of a traditional modem such as: a DSL modem or a broadband network modem to connect a telephone call to the data network or Internet, the latter is the prefer one in this instant application. This is the only way a user can communicate to the Internet.

As to claim 21, the limitation of the claims is the same as the limitation of claim 2; therefore, the claim is interpreted and rejected for the same reasons as set forth in claim 2. Furthermore, Thornton et al. teach the computer program product (col. 11, line 66 through col. 12, line 18 and col. 15, lines 27-38).

As to claim 22, the limitation of the claims is the same as the limitation of claim 3; therefore, the claim is interpreted and rejected for the same reasons as set forth in claim 3. Furthermore, Thornton et al. teach the computer program product (col. 11, line 66 through col. 12, line 18 and col. 15, lines 27-38).

As to claim 23, the limitation of the claims is the same as the limitation of claim 4; therefore, the claim is interpreted and rejected for the same reasons as set forth in claim 4. Furthermore, Thornton et al. teach the computer program product (col. 11, line 66 through col. 12, line 18 and col. 15, lines 27-38).

5. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al. (U.S. Patent 6,665,293) in view of Yeh et al. (Pub. No.: US 2005/0073995).

As to claim 9, Thornton et al. do not explicitly teach selectively establishing an analog connection between a phone and the PSTN or a digital connection between the phone and the packet switched network based on the called number.

Yeh et al. teach selectively establishing an analog connection between a phone and the PSTN (page 2, [0016], lines 4-9) or a digital connection between the phone and the packet switched network based on the called number (page 2, [0016], lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of selectively establishing an analog connection between a phone and the PSTN or a digital connection between the phone and the packet switched network based on the called number, as taught by Yeh, in Thornton's system thus making the system more efficient by routing PSTN phone numbers through PSTN network in order to reduce telephone fees and increase convenient, as discussed by Yeh (page 1, [0012]).

As to claim 10, Thornton et al. teach converting analog signal from the phone to a digital signal based on the called number (col. 14, lines 31-36).

6. Claims 13 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al. (U.S. Patent 6,665,293) in view of Vortman et al. (Pub. No.: US 2003/0002479).

As to claim 13, Thornton et al. teach gateway 200 of Fig. 1 comprising:
a controller (Fig. 2, controller 240, digital signal processor 225) that is configured to selectively routing a phone call to a public switched telephone network (col. 7, lines 1-

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8; col. 11, lines 45-48; col. 29, lines 10-17) or to a packet switched network (data network) based on a called number to which the phone call is directed (col. 6, lines 63-67).

Thornton et al. do not specifically teach a phone adapter comprising a controller.

Vortman et al. teach a phone adapter (Fig. 2, phone adapter 52) comprising a controller (Fig. 4, processors 76, 78).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the phone adapter with a controller, as taught by Vortman in Thornton's system in order to enable user's telephone to be used both as a telephone line interface for calls over PSTN and as in audio interface for VoIP calls through the user's PC, as discussed by Vortman (page 2, [0009]), and the user can use the PC to connect to different packet network, also discussed by Vortman (page 3, [0048, lines 14-16).

As to claim 17, Thornton et al. teach converting analog signal for communication across the packet switched network (digital signal) when the called number corresponds to at least one predefined number (col. 29, lines 10-17 - *where Thornton discussed predefine number are routed through the PSTN (analog signal)* and col. 14, lines 31-36 - *where Thornton discussed converting an analog signal to digital signal is necessary in order to communicate over the packet switched*).

As to claim 18, Thornton et al. teach the controller configured to determine whether the called number corresponds to at least one predefined number comprising a switch that is configured to selectively pass a signal from phone to the PSTN based on

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the determination by the controller (col. 28, line 61 through col. 29, line 17 - *where Thornton discussed the call handler CH 560 interacts with both DSP driver 519 and TASQ process 537 to determine whether the called number corresponds to one of a predefined number then pass a signal from a phone to the PSTN or route the call through the PSTN*).

As to claim 19, Thornton et al. teach gateway 200 of Fig. 1 comprising:

a controller (Fig. 2, controller 240, digital signal processor 225) that is configured to selectively routing a phone call to a public switched telephone network (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or to a packet switched network (data network) based on a called number to which the phone call is directed (col. 6, lines 63-67).

Thornton et al. do not specifically teach the phone adapter comprising: a phone interface that is configured to be communicatively connected to a phone; a PSTN interface connected to the PSTN; and an Internet interface connected to the Internet.

Vortman et al. teach a phone adapter (Fig. 4, 52) comprising: a phone interface that is configured to be connected to a phone (Fig. 4, *phone interface 72 connected to phone 50 via link 66*); a PSTN interface (Fig. 4, *phone line interface 80 connected a phone line through plug 70 and then to PSTN 24 as shown in Fig. 3*); and an serial interface 82 connected to work station 48 and used by the agent to connect to network 46 or a different packet network or Internet network (page 3, [0048], lines 14-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the phone adapter comprising: a phone interface that

is configured to be communicatively connected to a phone; a PSTN interface connected to the PSTN; and an Internet interface connected to the Internet, as taught by Vortman in Thornton's system in order to enable user's telephone to be used both as a telephone line interface for calls over PSTN and as in audio interface for VoIP calls through the user's PC, as discussed by Vortman (page 2, [0009]), and the user can use the PC to connect to different packet network, also discussed by Vortman (page 3, [0048, lines 14-16). Even though Thornton does not specifically recites a phone adapter comprising a phone interface, a PSTN interface, and an Internet interface; in order for the gateway 200 to connect to phone 16, selectively routing a phone call to a PSTN 20 or Data (Packet) Network 30, and be able to switch between passing analog signal to PSTN and digital signal to Data Network, there must exist an interface in order to communicate between the gateway and the communication device/network.

7. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thornton et al. (U.S. Patent 6,665,293) in view of Vortman et al. (Pub. No.: US 2003/0002479) and further in view of Lin et al. (Pub. No.: US 2004/0240430).

As to claim 14, Thornton et al. teach a controller (Fig. 2, controller 240) is configured to selectively routing a phone call to a PSTN (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or over a data network (col. 10, lines 59-62) based on the called number. Thornton et al. further teach that IP data network 30 that inter-connects via LAN 15 of Fig. 1, and LAN 15 inter-connects to IP-based devices such as networked

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computers, printers and other equipments which are not shown in Fig. 1 (col. 9, lines 54-63).

However, Thornton and Vortman do not explicitly teach routing a phone call to a cable modem device.

Lin et al. teach a cable modem is used to connect to the data network (packet switched network) (page 1, [0012]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that it is necessary to use any of a traditional modem, a DSL modem, or a cable modem to connect a telephone call to the data network or Internet, the latter is the prefer one in this instant application. This is the only way a user can communicate to the Internet.

As to claim 15, Thornton et al. teach a controller (Fig. 2, controller 240) is configured to selectively routing a phone call to a PSTN (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or over a data network (col. 10, lines 59-62) based on the called number. Thornton et al. further teach that IP data network 30 that inter-connects via LAN 15 of Fig. 1, and LAN 15 inter-connects to IP-based devices such as networked computers, printers and other equipments which are not shown in Fig. 1 (col. 9, lines 54-63).

However, Thornton and Vortman do not explicitly teach routing a phone call to a digital subscriber line (DSL) modem device.

Lin et al. teach the connection to the data network (packet switched network) over a physical medium implemented using a DSL modem (page 1, [0012]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that it is necessary to use any of a traditional modem, a cable modem, or a DSL modem to connect a telephone call to the data network or Internet, the latter is the prefer one in this instant application. This is the only way a user can communicate to the Internet.

As to claim 16, Thornton et al. teach a controller (Fig. 2, controller 240) is configured to selectively routing a phone call to a PSTN (col. 7, lines 1-8; col. 11, lines 45-48; col. 29, lines 10-17) or over a data network (col. 10, lines 59-62) based on the called number. Thornton et al. further teach that IP data network 30 that inter-connects via LAN 15 of Fig. 1, and LAN 15 inter-connects to IP-based devices such as networked computers, printers and other equipments which are not shown in Fig. 1 (col. 9, lines 54-63).

However, Thornton and Vortman do not explicitly teach routing a phone call to a broadband network interface device.

Lin et al. teach the connection to the data network (packet switched network) over a physical medium implemented using broadband network modem such as a cable modem (page 1, [0012]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that it is necessary to use any of a traditional modem such as: a DSL modem or a broadband network interface device to connect a telephone call to the data network or Internet, the latter is the prefer one in this instant application. This is the only way a user can communicate to the Internet.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bergman et al. (U.S. Patent 6,798,772) teach method for public access to private phone numbers and other telephonic peripherals using a caller access code.

Contractor (U.S. Patent 6,792,081) teaches emergency notification system.

McCalmont et al. (U.S. Patent 6,771,742) teach geographic routing of emergency service call center emergency calls.

Goldstein et al. (Pub. No. : US 2005/0041795) teach method and system for providing direct routing of local number portability (LNP) calls to alternate terminations.

Hicks, II et al. (Pub. No. : US 2004/0248595) teach system and method for providing integrated voice and data services utilizing wired cordless access with unlicensed/unregulated spectrum.

Adan et al. (Pub. No. : US 2004/0218583) teach computer telephony integration adapter.

Higgins (Pub. No.: US 2003/0223403) teaches method and apparatus for voice-over IP services triggered by off-hook event.

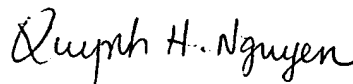
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-

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7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Quynh H. Nguyen
Patent Examiner
Art Unit 2642